IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 11636 of 2000

Between:

Girijana Samkshema Parishath
Khammam District, rep.by its Convenor, Sri Sondi Veeraiah,
S/o.Bojji, aged 29 yrs, R/o.Kothapalli, Dummugudem Mandal, Khammam District

..... PETITIONER

AND

1 The Government of A.P.
rep.by its Principal Secretary, Social Welfare Department,
Secretariat, Hyderabad.
2 The Government of A.P.
rep.by its Secretary, School Education, Secretariat, Hyderabad
3 The Govt. of A.P.
rep.by its Secretary, Prohibition and Excise, Secretariat, Hyderabad
5 The District Collector, Khammam.
6 The Khammam Zilla Parishad
rep.by its Chief Executive Officer, Khammam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of mandamus declaring the action of the State in not discharging their Constitutional duties in filling up the backlog vacancies meant for Scheduled Tribes in respect of Teacher Posts in Khammam District and also in not implementing the reservations provided under G.O.Ms.No.3,

Social Welfare (T.W.Edn.II) Department, Dt.10/01/2000 as highly arbitrary, illegal and violative of Art.14,16 and 21 of the Constitution and consequentially to direct the respondents to fill up all the backlog vacancies referred in the Statement enclosed to the affidavit which are meant for scheduled tribes in the posts of School Assistants (Maths), School Assistants (Science), School Assistants (Arts), Telugu Pandit (Gr.I), Hindi Pandit (Gr.I), Telugu Pandit (Gr.II) Hindi Pandit (Gr.II), S.G.B.T. and P.E.Ts in Khammam District forthwith by conducting limited recruitment.

Counsel for the Petitioner:MR.P.V.RAMANA

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent Nos.2 to 5: None appeared

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The writ petition is filed in public interest by Convenor of Girijan Samksheema Parishad, Khammam, seeking direction against the respondents to discharge their constitutional obligation in filling up the back log vacancies meant for scheduled tribes in respect of teachers in Khammam District. The petitioner also sought declaration that the action of the respondents in not implementing reservation provided in G.O.Ms.No.3 dated 10-1-2002 is arbitrary, illegal and violative of the provisions of the Constitution of India.

G.O.Ms.No.3 was subject matter of W.P.No.19392 of 2000, which was disposed of on 23rd November, 2001. We are not concerned with the said G.O., and no directions are sought on that basis.

By order passed on 4-12-2002 information was sought from the respondents and in the affidavit in reply filed by Sri Arvind Kumar, District Collector, Khammam, it is stated that steps are now being taken to fill up backlog posts of teachers in Khammam District as shown in Annexure A to the reply affidavit. The Government has issued orders in G.O.Ms.No.3 dated 10-1-2000 under which 100% reservation is permitted for S.T. candidates in agency areas. Orders were passed for implementing the said notification for filling up of 483 teachers out of 501 vacancies with 100% local S.T. candidates and the balance 18 could not be filled up due to non availability of S.T. candidates. It is also stated that the respondents are taking steps to fill up the backlog vacancies reserved for S.Ts in Khammam District by conducting limited recruitment by the Project Officer, ITDA, Bhadrachalam from time to time.

In this view of the matter, no further direction deserves to be issued in this writ petition. It accordingly stands closed.

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DEVINDER GUPTA, CJ

9-8-2004

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C.V.RAMULU, J

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To

1 The Principal Secretary, Government of A.P.
Social Welfare Department,
Secretariat, Hyderabad.
2 The Secretary, Government of A.P.
School Education, Secretariat, Hyderabad
3 The Secretary, Govt. of A.P.
Prohibition and Excise, Secretariat, Hyderabad
5 The District Collector, Khammam.
6 The Chief Executive Officer, Khammam Zilla Parishad
Khammam.

7. 2 CCs to the Govt. Pleader for Social Welfare, High Court Buildings,

Hyderabad (OUT).

8. 2 CD copies.